

Serial No. 10/673,973
Art Unit 3721

Amendment B

Remarks:

Responsive to the Official Action mailed January 12, 2004 in which claims 1 and 4 were rejected, Applicant respectfully requests reconsideration, reexamination and allowance of claim 1 in view of the above amendments and the following remarks.

Examiner Paradiso has rejected claims 1 and 4 under 35 U.S.C. §103(a) as unpatentable over Shibazaki et al, U.S. Patent No. 5,442,899 in view of Willard et al., U.S. Patent No. 3,783,773 and Eberle, U.S. Patent No. 2,721,645. A discussion of Shibazaki and Willard are provided in a previous response, filed on October 8, 2004 in connection with the application. The Eberle patent has been cited by the Examiner and has been characterized as disclosing a pivotable table composed of rollers and adjustable by pivoting it up or down about a pivot. The Examiner has concluded that it would have been obvious to one of skill in the art to add the in-feed and/or out-feed roller sets of Willard to the invention of Shibazaki to reduce the amount of work done by the operator in preparing packages for banding and to further make the conveyors pivotable in order to make the easier for smaller or less muscular operators to bring things off or onto the conveyors with whatever angle is most convenient. The Examiner states further that the use of hook/slot connectors to join machinery pieces to a frame is well known in the art and in everyday life and it would have been obvious to one of skill in the art to use hook/slot connectors to join the roller sets to the frame of the combination of Shibazaki and Willard to provide a secure and readily detachable method of connecting the machine parts so that it can be assembled/disassembled quickly.

Applicant has further amended claim 1 to indicate that the present invention is directed to strapping having a frame, a chute mounted to the frame and configured for positioning the strap material around the load, a strap feed assembly configured to convey the strap material through the chute, a strapping head mounted to the frame, and a work surface at about a lowermost portion of the chute.

The work surface is configured for infeeding the load to the strapping machine, positioning the load within the chute and outfeeding the load from the strapping machine following positioning, tensioning and sealing the strapping material. The work surface includes an in-feed roller set and an out-feed roller set (that is, both sets) mounted to the frame for

Serial No. 10/673,973
Art Unit 3721

Amendment B

pivoting to and from an operating position. In the operating position each roller set is about coplanar with a bottom of the strap chute at the work surface. Each roller set is secured to the frame in the operating position by an upwardly extending hook formed on the frame and a slot formed in the roller set for receiving the hook.

Applicant submits again that the pivoting and locking or securing arrangements are not disclosed in the art of record. And, in fact, Applicant submits that even (for the sake of argument) taking the Examiner's well known configuration position at face value, there is nothing that would motivate one to make the roller sets pivotable, nor lock the roller sets in their respective positions using the claimed structure.

The Shibazaki patent shows a stationary work surface and there is nothing to suggest, motivate or teach a movable or removable surface. Willard likewise shows a stationary roller formed, work surface. Again, there is nothing to suggest that the work surface or roller sets should be movable, nonetheless pivotable. Now, to this, the Examiner has added the disclosure of Eberle.

Although Eberle appears to disclose drop down table sides (note, they are not part of the roller sections), again, nothing could be construed to teach, motivate or suggest the specifically recited arrangement of infeed and outfeed rollers on pivotal work surface portions that lock into the strapper body by a hook and slot arrangement. There is simply nothing in the art of record taken as a whole that discloses all of these elements and teaches, suggests or motivates combining these elements as assert by the Examiner. Rather, it is only with the benefit of hindsight, having the present invention (and claims) in hand that one could assert that the claimed invention would have been obvious to one skilled in the art.

Merely because an invention is simple or rudimentary is not a basis for refuting patentability. There must be the claimed elements in the prior art and there must be teaching, suggestion or motivation to make the claimed combination. Applicant submits that in the present instance there is neither. That is, each of the elements individually has not been shown, and a teaching, suggestion or motivation put these elements together has not been shown. Thus, applicant submits that the burden to show that the claimed invention would have been obvious

Serial No. 10/673,973
Art Unit 3721

Amendment B

has not been met.

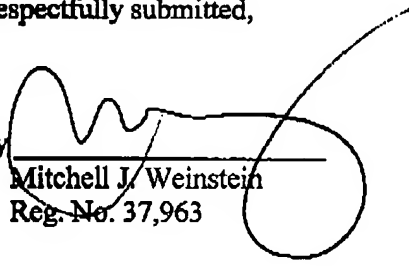
Accordingly, it is Applicant's position that the Examiner has failed to show each and every element of the claimed invention and has failed to show any connection, motivation, teaching or suggestion to make the claimed combination.

In summary, Applicant believes that the above amendments render claim 1 allowable over the art of record and respectfully and earnestly solicits early indication of same.

Applicant submits that no fee is due in connection with the present amendment. If, however, there is a fee due, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 23-0920.

Should the Examiner believe that a telephone interview would expedite prosecution and allowance of the present application, or address any outstanding formal issues, he is respectfully requested to contact the undersigned.

Respectfully submitted,

By 
Mitchell J. Weinstein
Reg. No. 37,963

April 7, 2005
WELSH & KATZ, LTD.
120 South Riverside Plaza, 22nd Floor
Chicago, Illinois 60606
(312) 655-1500 Telephone
(312) 655-1501 Facsimile